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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,037	07/19/2001	Dennis L. Matthies	INTL-0569-US (P11414)	8472

7590 05/10/2004

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EXAMINER
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AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/10/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/909,037

Applicant(s)

MATTHIES, DENNIS L.

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 20-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Response to Arguments***

In view of the Appeal Brief filed on February 20, 2004, PROSECUTION IS HEREBY REOPENED. New ground of the rejection are set forth below based on reply to paper no. 5 dated November 10, 2004, and the reply to final rejection has been entered.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) Request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 10-12, and 27-32 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims 27-29 contains subject matter (v-shaped), which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The shape limitation was considered to be unnecessary since the specification, as filed, did not describe the V-shape grooves and tabs shape as essential or critical to the operation or patentability of the claim. Examiner refers Applicant to see the combination of fig. 11, 222 (the tabs), 216 (the jumper) and fig. 12, 217 (the groove or notch) of the reference Nicholson et al. Claims 11, 12 and 30 disclose the terms first, second and third structural plates, but Applicant did not describe the structural process in the specification. The details, appearance and shape of all the surface profile features (V-shaped and slot-like) of the design are not clearly disclosed in the specification. Also in claim 10, the details, appearance and shape of all the mullion (for example: tee shape) of the design are not clearly disclosed the significant of it in the specification.

Claim 31 A large area display comprising: a first structural plate; a first and second tile connectable to said plate, said tiles including image generating pixels; and mullion to fit over the gaps between said first and second tiles. Examiner refers Applicant to see in fig. 2 steps d2 and d1. The display modules are configured to have a distance d2, which is substantially the same as d1, as a distance between adjacent pixels in adjacent modules of the reference Nicholson et al.

Claim 32, The display of claim 31 wherein said mullions are tee shaped including a downwardly extending prong that extends between said tiles, said prong being substantially transparent. The design is not clearly disclosed the significant of it in the specification.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11-12, 20-26 rejected under 35 U.S.C. 102(e) as being anticipated by

Nicholson et al. (hereinafter referred as a Nicholson).

1. Claim 1.

“A large area display comprising: a first structural plate; and a first and second tile connectable to said plate, said tiles including image generating pixels, wherein one of said tiles includes alignment tabs and the other said tiles includes alignment grooves to align the first tile relative to the second tile.” Nicholson in abstract discloses that each module having a display side with a rectangular screen portion, the screen portion having transparent portions with pixel elements positioned behind said transparent portions and within said module. Each module has the pixels arranged in a first matrix pattern and sufficient in number to provide alphanumeric characters and portions of characters of adjustable size of at least 6 inches. Each module having a bit map memory and being individually addressable with respect to other modules. The modules are arrangeable in a rectangular matrix on a support structure without a sign screen enclosure and with the screen portions of the modules defining a sign screen. The screen size reconfigurable by adding or subtracting display modules. In fig. 11 illustrates the tabs 222, and in fig. 12, 217 the groove. Examiner refers Applicant to see the combination of fig. 11, 222 (the tabs), 216 (the jumper) and fig. 12, 217 (the groove or notch) of the reference Nicholson et al.

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Nicholson in fig. 2 illustrates a gap between two modules (tiles) d2 that is the same distance of two pixels. Examiner's comment: In fig. 9, the mounting track 14 can be considered as a tab to fit to the groove or valley of next module, see in figs. 10 and 22. 130.3. In fig. 22 spacer 120 may be molded of a colored, light absorbing plastic having an edge portion 130.3 to fit over mounting track 14.

2. Claim 2.

"The display of claim 1 including a set of fasteners on said first and second tiles, said fasteners fastening said first and second tiles to said first structural plate", Nicholson aligning a fastener hole 224 in fig. 12.

3. Claim 3.

"The display of claim 2 wherein said fasteners include threaded pins, said plate including holes to receive said pins, said fasteners adjustably position said tiles relative to said plate", Nicholson illustrates in figs. 9 and 12 step 224.

4. Claim 4.

"The display of claim 3 wherein the hole in said plate is of substantially greater diameter than the diameter of one of said pins", the step is inherent because in order to fit the pins or screws in the holes, they must have different diameters.

5. Claim 5.

"The display of claim 4 including a pair of locking nuts, one on each side of said plate", Nicholson in figs. 31 and 9 illustrates a pair of locking nuts, one on each side of said plate

6. Claim 6.

"The display of claim 5 including at least two pins on each tile", see rejection of claim 5.

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7. Claim 7.

“The display of claim 1 wherein each tile may be adjusted in a plane parallel to the plane of said plate and inwardly and outwardly with respect to said plane”, Nicholson in fig. 9 illustrates that all modules adjusted in a plane parallel to the plane of plate. And also Nicholson in figs. 12 and 17 illustrates step 224 for adjusting the modules. It is not clear to the Examiner what does applicant try to improve over the prior art by using the terms inwardly and outwardly.

8. Claim 11.

“The display of claim 1 including a second structural plate and a plurality of tiles connected to a first and second structural plates, said first and second structural plates being adjustably securable to a third structural plate”, Nicholson in figs 8-10 illustrates first and second and third structural plates.

9. Claim 12.

“The display of claim 11 including a plurality of tiles connected to first and second structural plates and a plurality of first and second structural plates coupled to a third structural plate to form a large area display”, Nicholson in figs 8-10 illustrates first and second and third structural plates.

10. Claim 20.

“A method comprising: securing a plurality of display tiles to a plurality of first structural plates to form modules; and securing a plurality of modules to a second structural plate to form a large area display”, See rejection of claim 1.

11. Claim 21.

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“The method of claim 20 including adjustably securing said plurality of tiles to first structural plates”, Nicholson illustrates in fig. 9.

12. Claim 22.

“The method of claim 20 including adjustably securing said modules to said second structural plate”, Nicholson illustrates in figs. 16 and 23.

13. Claim 23.

“The method of claim 20 including threadedly fastening said tiles to said first structural plates”, Nicholson illustrates in figs. 16 and 23.

14. Claim 24.

“The method of claim 23 including threadedly fastening said modules to said second structural plate”, Nicholson illustrates in figs. 16 and 23.

15. Claim 25.

“The method of claim 20 including securing said tiles to said first structural plates so that the position of one tile may be adjusted relative to another tile in three dimensions”, Nicholson illustrates in figs. 11 and 12.

16. Claim 26.

“A large area display comprising: a plurality of tiles arranged in an array with gaps between adjacent tiles; and each of said tiles having a regular pattern of surface features defined in a surface of said tiles so as to camouflage the appearance of the gaps between adjacent tiles”, see rejection of claim 1.

***Claim Rejections - 35 USC § 103***



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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson et al. and further in view of Kitai.

17. Claim 9.

“The display of claim 1 including mullions to fit over the gaps between said first and second tiles”, Nicholson does not explicitly specify mullions, however Kitai discloses in (col. 2, lines 23-27) that provides an EL module, instead of mullion, which significantly reduces the gap between the light emitting display elements and the edge of the substrate thereby facilitating tiling of multiple EL modules.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kitai into Mazurek in order to improve light collection from the pixels, and more important part of this motivation is: this type of structure avoids the need for edge connections and edge sealing (see Kitai, col. 2, lines 4-12). Plastic lenses were bonded to the viewing side of substrate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a stylized flourish at the end.

**MATTHEW LUU**  
**PRIMARY EXAMINER**